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10/009,430	03/27/2002	Sami Huusko	4925-171PUS	2398

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EXAMINER

NGUYEN, HANH N

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,430

Applicant(s)

HUUSKO, SAMI

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/8/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

The amendment filed on 5/2/06 have been entered. The objection of claims 15 and 16 have been withdrawn. The replacement sheets comprise figures 1-4 are approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8, 11, 12, 13, 14, 15 are rejected under 35 USC 102(e) as being anticipated by Riggan et al. (Pat. 6,490,252 B1).

In claims 1, 8, 11 and 13, Riggan et al. discloses a method for guaranteeing the quality of a connection (a guaranteed bandwidth provided to ATM user in a QOS contract) in a data transmitting telecommunication system (transmitting data streams in accordance with QOS contract in ATM network 305 described in fig.2), wherein a data stream is configured to be transmitted through a packet-switched connection (fig.2, data streams comprises voice, data, video are transmitted via ATM network 305) or circuit switch connection (or via PSTN network 212) comprising the steps of: separating at least speech data from the data stream; and transmitting at least part of said at least speech data, whose intelligibility is affected by a possible deterioration of data quality and is configured to be transmitted through the packet switched connection, partly

Art Unit: 2616

through the circuit switched connection (data streams comprising voice, data, video transmitted via ATM network 305 exceed a QOS threshold, at least a portion of data stream such as voice is transmitted via secondary network 212, wherein the secondary network 212 is PSTN). See col.4, line 35 to col.5, line 5.

In claims 2, Riggan et al. discloses at least one party to the connection is a mobile station (the ATM user is telephone device, see col.5 lines 45-50. In addition, data stream is transmitted via a wireless network interface 380 (see fig.4)).

In claim 12, Riggan et al. discloses quality of packet switch connection is monitored during connection (network management 206 monitors whether the ATM users has exceeded the QOS threshold, see col.4, lines 40-45).

In claims 14 and 15, Riggan et al. discloses a network element is configured to convert the packet data into a form suitable for a circuit-switched connection and vice versa (data streams of voice, data and video are in variety of formats and transmitted according to any of a protocols, See col.5, lines 55-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 5, 6, 7, 9, 10, 16, 17 are rejected under 35 USC 103(a) as being unpatentable over Riggan et al. (Pat. 6,490,252 B1) in view of Haeggstrom (Pat. 6,167,040).

Art Unit: 2616

In claims 3, 4, 6 and 17, as mentioned in claim 1, Riggan et al. discloses that the call from a telephone is routed through ATM network (see fig.2), but does not disclose the data stream and IP address is transmitted through IP server. Haeggstrom discloses a mobile station enters on his telephone Internet address of terminal connected to IP network, whereby the call goes to GGSN 1 (gateway) and SGSN (IP server) (the wireless telephone transmits IP address to Ip server). See col.5, lines 25-32. Therefore, it would have been obvious to one ordinary skilled in the art to apply the teaching of Haeggstrom into Riggan et al. in order to transmit IP address from wireless telephone to IP server in packet switched network such as IP network when the call quality is satisfied.

In claim 16, Riggan et al. does not disclose the network element is a MSC, but Riggan discloses that the ATM user is a telephone device. Haeggstrom discloses, in fig.2, a MSC communicating with a MS (see col.5, lines 5-10). Therefore, it would have been obvious to one skilled in the art to have a wireless network in Riggan et al. with a MSC of Haeggstrom connecting to a wireless telephone in order to perform Qos for calls between different networks.

In claim 9, Riggan et al. discloses speech data is transmitted from ATM telephone (mobile station) through PSTN as derscribed in claim 1; but does not disclose a GPRE backbone. Haeggstrom discloses, in fig.4, speech data is transmitted through pstn between the Internet network and mobile station (see col.6, lines 7-20). Therefore, it would have been obvious to one ordinary skilled in the art to configure an Internet network of Haeggstrom into the system of Riggan et al. in order to transmit speech data between mobile station and GPRS backbone and provide data communication through packet-switched network to reduce cost.

Art Unit: 2616

In claim 10, Riggan et al. does not disclose speech data transmitted from gateway (GGSN 1) to Internet server (SGSN). Haeggstrom discloses, in fig.2, serving GPRS is in connection with gateway (GGSN). See col.4, lines 55-60. Therefore, it would have been obvious to one ordinary skilled in the art to implement the GPRS network of Haeggstrom into the system of Riggan et al. in order to transmit voice data through packet switch network.

In claim 7, Riggan et al. discloses a memory in packet network (in fig.3B, memory 303); but does not disclose storing IP address. Haeggstrom discloses a mobile station enters IP address of a destination and transmitted the call through the GPRS backbone to the terminal. (see col.5, lines 22-30). Therefore, it would have been obvious to one ordinary skilled to transmit Ip address from the wireless telephone and stores the IP address in the Gateway so as to establish PSTN connection.

In claim 5, Riggan et al. does not disclose transmitting an IP address to IP server in a form of a short message. Haeggstrom discloses a GPRS network wherein a mobile station transmits an IP address to server SGSN (see fig.2, col.5, lines 25-30). Therefore, transmitting an IP address in a GPRS network in a form of short message is well-known in the art.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ho (pat. 6,452,922 B1) ; Cheung et al. (pat. 6,515,964 B1) ;
Armistead (Pat. 6,781,983 B1).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER